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October 20, 2017

**BY ECF**

Honorable Sanket J. Bulsara  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Beauford, et al. v. City of New York, et al.  
13 CV 7054 (LDH) (ST)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent Defendants City of New York, Officer Benigno Gonzalez, Lt. Paul McKenna, Officer Brett Healy, Officer James Wilson, Sergeant Daniel Casella, Det. Collin Wilson and Officer Thomas Jurewicz (hereinafter collectively "Defendants") in the above-referenced matter. Counsel for Defendants and counsel for Plaintiffs—Robert Marinelli, Esq.—file this joint submission in accordance with Your Honor's Order dated October 17, 2017.

As the Court is aware, discovery in this matter is scheduled to close on October 28, 2017. However, for the reasons stated herein, the parties respectfully request a sixty (60) day extension for the purpose of expert discovery, and additional fact discovery that remains, from October 28, 2017 to and including December 27, 2017.

**Status of Expert Discovery**

Plaintiff Shauna Simmons identified her expert on September 12, 2017. On September 21, 2017, Plaintiff sent a supplemental expert disclosure to Defendants, indicating that she intended on calling Dr. Erich Anderer, her treating physician, as an expert witness to

testify to her neurological symptoms and surgical procedures. However, to date, Plaintiff has not been able to provide Defendants with an expert report as required under Rule 26.<sup>1</sup>

Defendants are in the process of retaining a rebuttal expert. However, any such expert will not be able to form an informed opinion concerning Plaintiff's injuries in the absence of Plaintiff's expert report. Furthermore, no potential expert depositions can be scheduled until all expert disclosures are exchanged. As such, the parties need additional time to complete expert discovery.

#### **Status of Discovery**

The parties have been diligently working to complete discovery by October 28, 2017. Paper discovery is nearly complete, with the exception of certain documents requested during depositions and some recent document requests. Further, all of the Plaintiffs have been deposed, and three of the seven Defendants are scheduled to be deposed prior to the current close of discovery. However, recent developments have hampered the parties' ability to complete discovery by the current deadline, including Plaintiffs' counsel's trial schedule. Additionally, Defendant Detective Thomas Jurewicz recently advised the undersigned that he is now required to be out of town on business for most of next week, and Officer Gonzalez has mandatory departmental training. Recently, Plaintiffs also indicated that they intend to depose non-party officers Jesse Zhong and Alberto Ituralde. While the parties continue to work cooperatively together to complete discovery, and remain in steady communication, some scheduling matters prevent the other two remaining defendants from being deposed prior to the close of discovery.

In light of the foregoing, the parties respectfully request an enlargement of the discovery schedule, from October 28, 2017 to and including December 27, 2017. The parties thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/

Elizabeth Bardauskis  
*Assistant Corporation Counsel*

cc: Robert Marinelli, Esq. (by ECF)  
*Attorney for Plaintiffs*

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<sup>1</sup> Although Dr. Anderer has agreed to testify as Plaintiff's treating physician and as an expert, he has not yet provided his report. Dr. Anderer's office represents to counsel that he is in Europe, will return on October 23, 2017, and that the report will be provided shortly thereafter.